

Use of Inmate Grievance Procedure Saves Maricopa County Time and Money

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The Inmate Grievance Procedure developed by the Maricopa County, Arizona, Sheriff's Detention Bureau recently became more effective for both the county and its inmates, thanks to a cooperative effort by Deputy Chief Phil Severson, the Maricopa County Attorney, the County's Risk Management Department, and the U.S. District Court. By creating an incentive for inmates to use the Inmate Grievance Procedure rather than filing complaints in federal court, the plan has made possible an 85 percent reduction in costs for the county and a quick resolution of grievances for inmates.

The Maricopa County Sheriffs Detention Bureau developed its Inmate Grievance Procedure in 1985. The Procedure allows inmates the opportunity to begin with the officer in charge of their housing unit in attempting to resolve their grievances. If the grievance cannot be resolved at this level, it advances through a multi-step appeals process,

with consideration by each level of Bureau authority. A formal hearing may be held and, if the hearing officer cannot resolve the grievance, the appeal is forwarded to the highest internal level, the division commander.

If the inmate is not satisfied with the division commander's decision, he or she may appeal to an External Referee, the final step in the Inmate Grievance Procedure. Unless the inmate is notified in writing that the time frame has been extended for an unforeseen reason, the External Referee will make a decision on the grievance within 14 days.

Although the Inmate Grievance Procedure proved to be effective in dealing with inmate complaints, a number of inmates continued to bypass the process and file complaints under 28 U.S.C. Section 1983 in federal court. The United States District Court for the District of Arizona and the Maricopa County Attorney, counsel for the sheriffs office, continued to receive a large number of filings for matters that could easily have been resolved through the Detention Bureau's Inmate Grievance Procedure.

Recognizing that the work effort expended on inmate grievances was costly and time-consuming, Deputy Chief Severson began to look for a way to encourage inmates to exhaust the remedies available to them through the Inmate Grievance Procedure prior to filing complaints in federal court.

Severson and the County Attorney presented to Maricopa County's Risk Management Department a proposal requesting that the county pay for the services of the External Referee for cases that would otherwise be filed in federal court. The Risk Management Department and the county's Board of Supervisors approved payment at the rate of forty dollars per hour for those cases eligible for federal court filing that were instead handled by the External Referee.

At the time this arrangement was worked out, the County Attorney

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had between 120 and 150 cases pending before the federal court. Only one of these cases could not have been resolved through the Inmate Grievance Procedure.



The concept was also presented to judges of the federal court in an effort to encourage them to facilitate inmates' use of the Detention Bureau's Grievance Procedure. In reviewing the Procedure, the court concluded that it was timely, equitable, and decisive. Members of the court agreed that it would be beneficial to all concerned if county inmates were encouraged to use the Inmate Grievance Procedure. As a result, on July 6, 1988, Chief Judge Richard M. Bilby issued General Order No. 173 in the U.S. District Court for Arizona.

Order No. 173 specifies that all complaints filed by Maricopa County jail inmates under U.S.C. Section 1983 in which the plaintiff had not exhausted the Inmate Grievance Procedure would be stayed for a period not to exceed 90 days in order to allow the complainant time to exhaust the administrative remedies of the Procedure. In thus sending all cases that had by-passed it back through the grievance procedure, the court

created an incentive for inmates to follow the internal procedure if they wanted a quick decision on their grievances.

Since the Order was issued, the program has been a success. A tremendous cost saving has been achieved. Between April and September 1988, while the program was being developed, the Legal Services section of the Detention Bureau recorded 33 new cases filed as federal complaints. After the order was established, between September 1988 and January 1989, the number of federal cases dropped to eight, a 75 percent reduction.

No additional personnel are required for the inmate grievance program; its only operating expenses are billings submitted by the External Referee. Records maintained by the Hearing Officers show that, since July 1988, the External Referee has handled 56 cases that had been classified as eligible for filing under 28 U.S.C. Section 1983. The External Referee

logged a total of 151 hours at a rate of \$40 an hour in deciding those cases, making the total cost to the county \$6,040.

In contrast, the County Attorney's office logs approximately 15 hours on these types of cases, at the rate of \$49 per hour. We estimate that the cost of these cases, if filed in federal court, would have been \$41,160. On that basis, increased use of the Inmate Grievance Procedure has saved the county \$35,120, an 85 percent reduction in costs.

We at the Maricopa County Sheriff's Office are proud of this program and of the interagency cooperation that made it possible. We are confident that it has provided advantages both for criminal justice agencies and inmates, and would be happy to answer any questions or share information about the Inmate Grievance Procedure. Contact me, Phillip Sever-son, or my special assistant, Ellen Kirschbaum, at (602) 256-5300. ■

